

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JEREMY WOLFSON,

Plaintiff,

v.

BANK OF AMERICA NATIONAL
ASSOCIATION, *et al.*,

Defendants.

CASE NO. C17-6064 BHS

ORDER DENYING PLAINTIFF'S
MOTION TO ALTER OR AMEND
JUDGMENT

This matter comes before the Court on Plaintiff Jeremy Wolfson's ("Wolfson") motion to alter or amend judgment. Dkt. 96.

On July 6, 2020, the Court granted Defendants' motions for summary judgment on Wolfson's remaining claims because Wolfson failed to submit any evidence in support of the claims. Dkt. 94. On July 31, 2020, Wolfson filed the instant motion arguing that the Court relied on unauthenticated evidence and should have taken the allegations in the complaint as true. Dkt. 96. While allegations should be taken as true when considering motions to dismiss a complaint, Wolfson faced a higher burden of submitting admissible evidence when opposing Defendants' motions for summary judgment. *See Celotex Corp.*

1 v. *Catrett*, 477 U.S. 317, 323 (1986) (“The moving party is entitled to judgment as a
2 matter of law when the nonmoving party fails to make a sufficient showing on an
3 essential element of a claim in the case on which the nonmoving party has the burden of
4 proof.”). Wolfson failed to meet this burden and fails to raise any issue that warrants
5 altering or amending the judgment. Therefore, the Court **DENIES** his motion.

6 **IT IS SO ORDERED.**

7 Dated this 31st day of August, 2020.

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10 BENJAMIN H. SETTLE
United States District Judge
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